

COMMITTEE TELECONFERENCE
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)
)
Application for Certification) Docket No.
for the Blythe Energy Project) 99-AFC-8
[BEF])

CALIFORNIA ENERGY COMMISSION
HEARING ROOM A
1516 NINTH STREET
SACRAMENTO, CALIFORNIA

MONDAY, MARCH 5, 2001

11:30 a.m.

Reported By:
Valorie Phillips
Contract No. 170-99-001

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMITTEE MEMBERS PRESENT

William Keese, Chairman, Presiding Member

Terry O'Brien, Commissioner Advisor

Ed Bouillon, Hearing Officer

STAFF PRESENT

Lisa DeCarlo, Staff Counsel

Lance Shaw, Project Manager

Linda Bond, CEC Consultant

PUBLIC ADVISER

Marija Krapceovich, Assistant Public Adviser

APPLICANT

Scott A. Galati
Grattan & Galati

Tom Cameron, Project Director
Blythe Energy

Jeffrey G. Harvey
Greystone Environmental Consultants, Inc.

INTERVENOR

Carmela Garnica

ALSO PRESENT

Nick Chevance, Western Area Power Administration

Mike Boyd, CARE

Bradley Angel, Greenaction

Maria Luna

Rachel Gutierrez

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1 P R O C E E D I N G S

2 CHAIRMAN KEESE: Good morning. It's
3 11:35, and we will now start this hearing on the
4 Blythe Energy Project.

5 I'm Bill Keese, Chairman of the Energy
6 Commission, and lead on this case. To my right is
7 Terry O'Brien, my advisor. On my left is Mr. Ed
8 Bouillon, our Hearing Officer for this hearing.
9 Commissioner Laurie will be joining us if --

10 MR. BOYD: Chairman Keese, could you
11 please speak up? I'm having a hard time hearing
12 you.

13 CHAIRMAN KEESE: -- if he can make his
14 schedule available. Can you hear me now, Michael?

15 MR. BOYD: A little bit better.

16 CHAIRMAN KEESE: Okay. I would ask the
17 Applicant, Mr. Galati, would you introduce who we
18 have from the Applicant?

19 MR. GALATI: My name is Scott Galati, on
20 behalf of the Applicant.

21 MS. GARNICA: This is Carmela Garnica,
22 and I can barely hear you. I can barely hear --
23 who the person --

24 CHAIRMAN KEESE: Let's --

25 MS. GARNICA: We can barely hear. I

1 can't even --

2 CHAIRMAN KEESE: Mr. Galati -- okay,
3 we'll try it once more, Mr. Galati, very close to
4 the microphone.

5 MR. GALATI: Carmela, can you hear me?

6 MS. GARNICA: Yes, I heard my name, yes.

7 MR. GALATI: This is Scott Galati, on
8 behalf of the Applicant, Blythe Energy, LLC. And
9 to my left in the Commission hearing room is Tom
10 Cameron, Project Manager, and to my right is Dr.
11 Jeff Harvey, leading Project Consultant for
12 Greystone Environmental Consultants.

13 CHAIRMAN KEESE: Okay. Let me just
14 check. Mr. Boyd, can you -- did you hear that?

15 MR. BOYD: Yeah, I can hear you. Sounds
16 like you're far away, though.

17 CHAIRMAN KEESE: We will try to stay
18 very close to the mic.

19 Staff, Mr. Shaw, would you introduce
20 your people, or --

21 MS. DeCARLO: This is Lisa DeCarlo,
22 Staff Counsel for the Energy Commission, and to my
23 left is Mr. Lance Shaw. He is the Project Manager
24 for the Blythe Project.

25 CHAIRMAN KEESE: Thank you. And Roberta

1 Mendonca, our Public Adviser, is not here at the
2 moment, but Marija is here, and has been, so far.

3 We understand that we have the
4 Intervenor on the line, Carmela Garnica. Is that
5 correct?

6 MS. GARNICA: Yes.

7 CHAIRMAN KEESE: Thank you. For the
8 record, could we have the others who are on the
9 phone identify themselves now. We -- you won't
10 need to spell your name because we have that down,
11 but, Mr. Boyd.

12 MR. BOYD: Yes.

13 CHAIRMAN KEESE: Would you identify
14 yourself.

15 MR. BOYD: Mike Boyd, of CARE.

16 CHAIRMAN KEESE: Anyone else?

17 MS. GARNICA: Carmela Garnica,
18 Intervenor.

19 MS. GUTIERREZ: Rachel Gutierrez.

20 MS. LUNA: Maria Luna.

21 CHAIRMAN KEESE: Is there anyone else on
22 the line? Thank you.

23 MS. BOND: Yes, Linda Bond, groundwater
24 consultant for the Energy Commission.

25 CHAIRMAN KEESE: Thank you, Linda.

1 We are conducting this certification
2 process jointly with the Western Area Power
3 Administration. Do we have anyone present from
4 that agency?

5 Would you identify yourself for the
6 record, about two inches from the microphone, if
7 you can.

8 MR. CHEVANCE: I'm Nick Chevance, with
9 Western Area Power Administration, the
10 Environmental Project Manager.

11 CHAIRMAN KEESE: Thank you, Nick.

12 I will now turn this hearing over to Mr.
13 Bouillon.

14 HEARING OFFICER BOUILLON: Thank you,
15 Mr. Chairman.

16 I have received from the Staff two pages
17 of comments on the Proposed Decision, and I have
18 received from the Applicant seven pages of
19 comments. I have not received anything in writing
20 from Ms. Garnica. She still has sufficient time
21 to do so, if she desires.

22 What I'd like to do to start this
23 proceeding is to, if we have -- is there anyone on
24 the phone who has taken time off of work, I
25 understood through a woman representing United

1 Farm Workers that there was -- might be some
2 people in Blythe that were on and would like to be
3 heard first. Is there anyone on the phone from
4 United Farm Workers?

5 MS. GARNICA: Not yet.

6 HEARING OFFICER BOUILLON: Excuse me?

7 MS. GARNICA: I said not yet. This is
8 Carmela Garnica. Not yet. There was a group that
9 they met at 9:00 o'clock, and they were -- after
10 we couldn't get them on the line, we -- they left.
11 But -- and they left early, so -- they'll come
12 back -- or just waiting around.

13 HEARING OFFICER BOUILLON: All right.
14 Should any of them call in, we'll be glad to hear
15 what they have to say. But we'll proceed at this
16 time with the schedule that I had proposed. What
17 --

18 MR. ANGEL: Excuse me. Don't you think
19 the fact that this was advertised at 9:00 o'clock,
20 people showed up from the community, took time out
21 --

22 HEARING OFFICER BOUILLON: Mr. Boyd,
23 you're out of --

24 MR. ANGEL: My name's not Mr. Boyd.

25 HEARING OFFICER BOUILLON: I'm sorry.

1 MR. ANGEL: No, this hearing is out of
2 order.

3 HEARING OFFICER BOUILLON: Mr. Angel --

4 MR. ANGEL: People showed up --

5 HEARING OFFICER BOUILLON: Mr. Angel --

6 MR. ANGEL: -- people showed up and
7 followed your rules.

8 HEARING OFFICER BOUILLON: You are not
9 going to be allowed to interrupt these
10 proceedings. You are going to be given ample
11 opportunity to speak. And you can make whatever
12 protest you'd like.

13 I had proposed that we would take up Mr.
14 Angel's comments that he made at 9:00 o'clock this
15 morning, as the first order of business. Before I
16 was interrupted by Mr. Angel, I had intended to do
17 that. I am still prepared to do that. And, Mr.
18 Angel, if you would approach the microphone where
19 you can be recorded, I would like you to repeat
20 the comments you made at 9:00 o'clock, with regard
21 to your public request that the -- this hearing
22 not be held and that it be held in Blythe.

23 MR. ANGEL: Thank you.

24 Again, my name is Bradley Angel, and I'm
25 the Executive Director of Greenaction for Health

1 and Environmental Justice. And we're here at the
2 request of our constituents in the Blythe and Mesa
3 Verde communities that will be negatively impacted
4 by this polluting project.

5 For this project, under the law, you
6 must, as the California Energy Commission, involve
7 the public. You must, pursuant to the law,
8 provide proper notice. The notice said that this
9 public conference would begin at 9:00 o'clock. It
10 did not. People who took their time, from the
11 community, to show up and try to participate via
12 teleconference were barred from doing so because
13 the Energy Commission did not have your court
14 reporter here, you did not have the teleconference
15 equipment set up. I wonder if you even have
16 anybody here to translate from Spanish into
17 English the comments that may come, or would've
18 come from interested members of the community.

19 So we believe that this public
20 conference is anything but a public conference.
21 We think the notice has been violated. We think
22 the hearing has to be rescheduled with proper
23 public notice. In addition, it should be
24 scheduled at a time and at a place where the
25 members of the public most impacted, the people of

1 the Blythe and Mesa Verde areas, can attend.

2 HEARING OFFICER BOUILLON: Let me ask a
3 question, Mr. Angel. Is there any of our
4 regulations in particular that you're relying on
5 with regard to public notice for this conference,
6 this particular conference?

7 MR. ANGEL: There's public notice
8 requirements for all public participation. In
9 addition, there's something called -- and it seems
10 like the Energy Commission has forgotten about it
11 -- there's something called the United States
12 Civil Rights Act, Title 6, of the U.S. Civil
13 Rights Act of 1964. And the United States Civil
14 Rights Act, Title 6, states that an agency,
15 particularly like a state agency, like yours,
16 cannot take action that would have a
17 discriminatory or disproportionate impact on
18 communities of color or other low income
19 populations.

20 Holding a hearing, a so-called public
21 conference, over 500 miles from the impacted
22 community, we think has a discriminatory and
23 disproportionate impact. Putting out a notice for
24 a time and place that does not happen, and as
25 we've already heard from people who are still on

1 the call, that some folks showed up and left, that
2 I think we have a lot of violations here.

3 And I think, if the Energy Commission,
4 I'm hearing from people, you are interested in
5 public comment, I'm hearing you are interested in
6 public participation, so let's do it right, and
7 let's not have a hearing five or six hundred miles
8 from the community, two and a half hours after it
9 was supposed to start, with all the screw-ups that
10 we've heard today.

11 HEARING OFFICER BOUILLON: Mr. Galati,
12 do you have any response?

13 MR. GALATI: Yes. My first response
14 would be that Mr. Angel fails to recognize that
15 this process has been public since day one, that
16 the majority of the Commission's hearings, in
17 fact, all of the Evidentiary Hearings and the
18 majority of the PSA workshops and the initial site
19 visit, as well as even a data response workshop,
20 were held in the City of Blythe.

21 In addition to the -- the Commission's
22 work that was done in the City of Blythe, there
23 was also the City of Blythe annexation process,
24 which annexed this property, which was public. In
25 addition, there was also an Airport Land Use

1 Commission hearings and meeting on this project,
2 which was -- which took place in Riverside County.

3 My recollection is that this Commission
4 has -- this Committee has only formally met in
5 Sacramento, this would be the second time. The
6 first time being the Prehearing Conference, which
7 was continued to enable the Intervenor to
8 continue. It was continued twice so that the
9 Intervenor could participate. And, in fact, in
10 that meeting, the Staff and the Applicant bent
11 over backwards to be here to -- to make the
12 Prehearing Conference work.

13 So I think that the Energy Commission
14 and this Applicant have -- have participated and
15 have garnered public participation. In addition
16 to that, I would also let you know that the
17 Applicant has had its own meetings in the City of
18 Blythe with respect to this project, the most
19 recent one I think about six weeks ago.

20 So I think that the Presiding Member's
21 Proposed Decision is a document that can be
22 commented both in writing and via teleconference.
23 This is not an Evidentiary Hearing where cross
24 examination would be taking place. And I don't
25 believe that people are disadvantaged by

1 participating by teleconference.

2 MR. ANGEL: Well, you know, I just beg
3 to differ, that --

4 HEARING OFFICER BOUILLON: Excuse me,
5 Mr. Angel. We're going to let everyone speak, not
6 just you, and it's not your turn right now.

7 MR. BOYD: When I have an opportunity
8 I'd like to speak, too. This is Mr. Boyd.

9 HEARING OFFICER BOUILLON: Excuse me?
10 Oh, excuse me, Mr. Boyd, I'll get to you in a
11 moment.

12 MS. DeCarlo, do you have anything to
13 add?

14 MS. DeCARLO: Staff does not formally
15 object to the motion. However, we would like to
16 note that there has been ample opportunity for
17 public comment through the -- the site visit and
18 informational hearing held --

19 MR. BOYD: I can't hear --

20 CHAIRMAN KEESE: You've got to get real
21 close, Lisa.

22 MR. BOYD: This is Mike Boyd. Is it
23 okay for me to speak now?

24 CHAIRMAN KEESE: No.

25 MS. DeCARLO: Staff would just like to

1 say that we do not formally object to the motion.
2 However, we would like to note --

3 MR. BOYD: I still can't hear you.

4 MS. DeCARLO: We would like to note that
5 there have been substantial opportunities to
6 receive public comment in Blythe.

7 MS. BOND: Can you hear me?

8 HEARING OFFICER BOUILLON: I can hear
9 you.

10 MS. BOND: Okay.

11 HEARING OFFICER BOUILLON: Is your
12 microphone on?

13 MS. DeCARLO: And we believe that --
14 that the citizens of Blythe do have an opportunity
15 to comment through the teleconference today.

16 (Parties speaking simultaneously.)

17 MR. BOYD: I wanted to comment on what
18 Bradley Angel just said in regards to --

19 CHAIRMAN KEESE: Hold it, Mr. Boyd.

20 HEARING OFFICER BOUILLON: Mr. Boyd, can
21 you hear me?

22 SPEAKER ON TELEPHONE: Well, I just
23 wanted to comment that I'm not, you know, in favor
24 of this plant --

25 HEARING OFFICER BOUILLON: Hold --

1 excuse me, who's speaking?

2 SPEAKER ON TELEPHONE: -- affect my --
3 my work, because I am a lemon picker --

4 MR. O'BRIEN: Excuse me. Could --

5 SPEAKER ON TELEPHONE: -- and all the
6 information we've --

7 CHAIRMAN KEESE: Excuse me. I'm not
8 sure --

9 MR. O'BRIEN: Could the people on the
10 telephone please cease talking. Mr. Boyd -- Mr.
11 Boyd --

12 CHAIRMAN KEESE: I don't think our
13 microphones --

14 MR. O'BRIEN: Mr. Boyd --

15 CHAIRMAN KEESE: I think our microphones
16 --

17 MR. O'BRIEN: Excuse me. Excuse me.
18 Could the people on the telephone stop talking for
19 a moment. Thank you.

20 CHAIRMAN KEESE: Mr. Boyd, can you hear
21 me now? Okay. When -- what we're noticing is
22 when the people on the telephone conference are
23 speaking, then you cannot hear what's being said
24 here at the Commission. So if you'll wait a
25 second, Ms. DeCarlo will continue speaking.

1 MS. DeCARLO: I'll start over again.
2 Staff does not formally object to the motion.
3 However, we would like to note that there has been
4 substantial opportunity to receive public comment
5 in the City of Blythe, as well as we believe that
6 the citizens of Blythe have the opportunity to
7 actively participate in this conference today
8 through the teleconference.

9 Public comments are being accepted in
10 written format through March 18th. And we would
11 like to reiterate our concern with limited Staff
12 time to be able to actually fly down to Blythe and
13 participate in another such conference. We do not
14 believe the notice requirements were deficient for
15 this -- this conference, nor do we believe that
16 they have been violated.

17 CHAIRMAN KEESE: Thank you.

18 MS. GARNICA: This is Carmela Garnica.
19 We couldn't hear the -- the statement that the
20 person just made. I couldn't hear.

21 MR. ANGEL: Excuse me. With all due
22 respect, if for no other reason than that the
23 technical equipment is not working, that should be
24 reason enough to reschedule this.

25 CHAIRMAN KEESE: Well, Mr. Angel, this

1 is -- this is a -- essentially an optional
2 hearing. The notice that --

3 MR. ANGEL: It's on one of the most
4 fundamental aspects --

5 CHAIRMAN KEESE: -- the --

6 MR. ANGEL: -- of this proposal.

7 CHAIRMAN KEESE: Mr. Angel, the notice,
8 if you're familiar with the order that has gone
9 out, the suggestion is that all comments be in
10 writing.

11 MR. ANGEL: You invited the members of
12 the public to call in, and they can't hear. They
13 -- they have been waiting two and a half hours,
14 people came and left. It -- it's not optional.
15 Public participation is not optional, sir. It is
16 not optional.

17 (Parties speaking simultaneously.)

18 CHAIRMAN KEESE: You're absolutely
19 correct. We've had -- we've had tremendous --

20 MR. ANGEL: That's right. So don't say
21 it is. We want --

22 CHAIRMAN KEESE: -- we've had tremendous
23 public participation and public participation is
24 welcomed right up --

25 MR. ANGEL: We want public participation

1 on the Proposed Decision. This is the Proposed
2 Decision, and --

3 CHAIRMAN KEESE: Public participation is
4 welcome right up until March 18th --

5 MR. ANGEL: Who -- who can -- no, in
6 this -- in this meeting, you must have, under the
7 law, public participation. This is a joke.
8 Listen to the people. They can't hear you.

9 HEARING OFFICER BOUILLON: Mr. Angel, if
10 you cannot comport yourself in a civil manner --

11 MR. ANGEL: I can comport --

12 HEARING OFFICER BOUILLON: -- you're
13 going to have to be removed.

14 MR. ANGEL: This hearing is uncivil.

15 HEARING OFFICER BOUILLON: I'm not
16 fooling around here.

17 MR. ANGEL: I'm not fooling around,
18 either. Let's --

19 HEARING OFFICER BOUILLON: Listen --
20 listen --

21 MR. O'BRIEN: Mr. -- Ed -- Ed, why don't
22 we resolve the issue first in terms of whether or
23 not the people are going to be able to adequately
24 hear us.

25 Now, Mr. Boyd, can you hear me right

1 now?

2 MR. BOYD: Yes --

3 MR. O'BRIEN: And can you hear -- Mr.
4 Boyd -- Mr. Boyd, can you hear me easily?

5 MR. BOYD: Not very easily. It would
6 help if I had better volume.

7 MR. O'BRIEN: Are my -- Mr. Boyd, are my
8 words indistinct?

9 MR. BOYD: It's like a phone call where
10 somebody's holding the -- the phone away from
11 their face, say six inches.

12 MR. O'BRIEN: Okay, thank you.

13 Ms. Boyd, can you hear me okay? Bond,
14 I'm sorry. Ms. Bond, can you hear me okay? Ms.
15 Bond?

16 MS. BOND: This is Linda Bond speaking.
17 I just wanted to interject that I am able to hear
18 some of the things you're saying in the meeting,
19 but not everything. For example, I know that was
20 Lisa DeCarlo speaking a few minutes ago, but her
21 words were not --

22 HEARING OFFICER BOUILLON: Legible.

23 MS. BOND: -- couldn't hear them all. I
24 just wanted to let you know.

25 MR. O'BRIEN: Okay. Is she the only

1 person so far that you've had difficulty
2 understanding?

3 MS. BOND: No, I was having difficulty
4 hearing -- speaking.

5 MR. O'BRIEN: Okay. Now, during the
6 last 30 seconds, with me talking, have you had any
7 difficulty with understanding me?

8 MS. BOND: This is Linda Bond. No, I
9 haven't had trouble hearing you in the last, you
10 know, two minutes.

11 MR. O'BRIEN: Okay. Now, Ms. Garnica.

12 MS. GARNICA: I could hear you clear.

13 MR. BOYD: Yeah, I can hear you, too.

14 MS. GARNICA: Yes, I can hear you, and I
15 can make out the words that you are saying. I
16 just couldn't hear the previous person talk at
17 all.

18 MR. O'BRIEN: Now --

19 MS. GARNICA: It sounded like --

20 MR. O'BRIEN: It seems to me, Mr.
21 Bouillon, that if we are to have individuals who
22 are going to be able to hear us, that everybody in
23 this room is going to have to speak like I'm
24 speaking, which is loud and close to the
25 microphone.

1 HEARING OFFICER BOUILLON: I would agree
2 with that. And I think we will proceed as best we
3 can. If another hearing is necessary, we'll have
4 another hearing. But we're going to do the best
5 we can today, and we're going to do the best to
6 accommodate everyone who is on the phone.

7 And I'd like to start at this point with
8 the Staff comments that have been filed, docketed
9 as received on March the 1st of this year.

10 MR. BOYD: This is Mr. Boyd. I did
11 request to have an opportunity to address the
12 issue that Mr. Angel raised, and I would still
13 like that opportunity before you begin the regular
14 business of the meeting.

15 HEARING OFFICER BOUILLON: All right. I
16 will give you -- I will give you that opportunity
17 now.

18 MR. BOYD: Okay, thank you.

19 My understanding as to what Mr. Angel is
20 stating is that he doesn't believe that there was
21 proper notice given for this meeting. And my
22 understanding that -- and if I'm wrong, please
23 interrupt me -- my understanding is that the
24 Commission is subject to the Bakely-Keene Open
25 Meeting Act. And as such, the agenda and the time

1 and location of this meeting is required under
2 state law to be released at least ten days in
3 advance of the meeting.

4 My understanding is also that under
5 recently passed law, AB 2799, signed by Governor
6 Davis, effective January 1st of this year, has
7 repealed provisions giving public agencies
8 discretion over what form computerized public
9 information must be produced in. And my
10 understanding -- and I have checked the Web site
11 today numerous times, and I see nothing on the Web
12 site under this case that lists this meeting.

13 So it is -- I am here to notify you at
14 this time that we do not waive our right to notify
15 you to correct or cure these deficiencies and
16 complying with the Bakely-Keene Act. And that's
17 basically all I have to say. And if Mr. Angel is
18 interested in joining us in such a complaint, I
19 invite him to do so.

20 HEARING OFFICER BOUILLON: Thank you,
21 Mr. Boyd.

22 I would note for the record that a
23 Notice of Availability of Presiding Member's
24 Proposed Decision and Notice of Committee
25 Conference were contained in the same document,

1 which was dated February the 17th of this year.
2 And I believe it went out at the same time as the
3 Proposed Decision.

4 MR. BOYD: That's not online, sir, and
5 normally that information is online. And my
6 understanding is under the new law, you have to
7 provide anyone, any member of the public, the --
8 access to that information. And the only reason I
9 knew about this meeting is because the Intervenor
10 warned me of it. There was no notification on me,
11 and I had requested that in advance, before this
12 meeting.

13 HEARING OFFICER BOUILLON: Mr. Boyd,
14 first of all, I want to point out that we're not
15 asking you to waive any defect in these
16 proceedings that you might think exists. Neither
17 you nor Mr. Angel, nor Ms. Garnica, nor any other
18 party or interested person is waiving anything by
19 continuing to participate in this hearing.

20 We are going to continue with this
21 hearing. It's my understanding that there has
22 been extensive public participation in this matter
23 in the Blythe area, and we have received much
24 public comment there.

25 This conference is not a decision-making

1 conference. We are not going to make any decision
2 here at this conference today. We are only --
3 this is a conference arranged to discuss comments
4 that people do have on the Proposed -- Presiding
5 Member's Proposed Decision, comments that have
6 been filed and comments that are to be made orally
7 at this hearing.

8 No decision on any of those will be made
9 at this hearing. The full Commission will have a
10 hearing to discuss whether or not to adopt the
11 Presiding Member's Proposed Decision. That is
12 currently, I believe, scheduled for March the
13 21st.

14 MR. BOYD: I'm sorry, but I cannot
15 understand anything you're saying now.

16 MS. GARNICA: Now I -- Carmela Garnica.
17 Now I can't -- I didn't hear a word that you said.
18 Are we all talking? I -- I can't hear anything
19 that was said.

20 MR. GALATI: Mr. Bouillon, if I -- if I
21 may offer a solution to this problem. If we could
22 go forward with the Committee hearing now on -- on
23 taking those comments from the parties, which were
24 supposed to have filed their comments, that was
25 clear that those comments were to be filed by last

1 Thursday.

2 HEARING OFFICER BOUILLON: No, that's a
3 requirement.

4 MR. GALATI: Of the -- of the parties?

5 HEARING OFFICER BOUILLON: No, that's
6 not -- that's not a requirement. They have a full
7 30 days to file their comments.

8 MR. GALATI: For those of us parties who
9 have filed comments, if we could be heard, we
10 would have no problem continuing this hearing to
11 such a time that the teleconference can be more
12 properly set up. I know I've been in this room
13 before when it has worked just fine. So I think
14 that when that technical issue is resolved, again,
15 we say with the caveat that we do not want to miss
16 the opportunity of presenting to the full
17 Commission the Presiding Member's Proposed
18 Decision as being on March the 21st. But if we
19 can notify -- notice the meeting today or
20 tomorrow, for ten days, and have another hearing,
21 the Applicant would be willing to participate
22 along those lines as long as we can get the
23 teleconference equipment working properly.

24 CHAIRMAN KEESE: Mr. Galati, your
25 suggestion does mirror the notice, which suggested

1 that parties should have their response by March
2 1st, and that members of the public could, but
3 were not required to submit their written comments
4 by the same date.

5 Mr. Bouillon, I think that is a
6 worthwhile suggestion, and therefore that -- that
7 what we should do is proceed to -- to discuss the
8 filed comments and take oral comments briefly
9 today, and schedule another hearing for oral
10 comments that people would care to make.

11 MS. GARNICA: Mr. Bouillon, this is
12 Carmela Garnica.

13 HEARING OFFICER BOUILLON: Yes.

14 MS. GARNICA: Mr. Bouillon:

15 HEARING OFFICER BOUILLON: Go ahead,
16 Carmela.

17 MS. GARNICA: Oh, okay. I can't hear
18 the response.

19 Can I -- can I speak now, or can I make
20 a motion that we -- we don't see this public
21 conference until we can get all the technical
22 difficulties established or straightened out, so
23 we can all participate. I cannot hear --

24 CHAIRMAN KEESE: That's what --

25 MS. GARNICA: -- a lot of the speakers,

1 I can't hear a word -- and I can't make out what
2 the conversation the people are having there.
3 And, you know, maybe, perhaps if we could have it
4 at a later date so this could -- so, you know,
5 your -- can take care of all the -- all the
6 technicalities that go along with this.

7 You know, being the first time I know
8 that if the things don't work, and everything has
9 to be -- be rushed, I -- I think, you know, and we
10 are participating at this conference, and we fully
11 understand and I, you know, I feel like -- I feel
12 like I'm disabled here, with a hearing disorder.
13 But, you know, I'm really making every effort to
14 try to hear by having real big speakers on so I
15 can hear, and I cannot still make out a lot of the
16 terms.

17 So if there's a way that modern
18 technology -- is there another --

19 CHAIRMAN KEESE: Thank you. You know,
20 we are having difficulty hearing you, too. And we
21 are going to have another hearing. So, Mr.
22 Bouillon, would you --

23 HEARING OFFICER BOUILLON: Yes. What
24 I'd like to do is continue this hearing --

25 MS. GARNICA: Carmela --

1 HEARING OFFICER BOUILLON: Excuse me,
2 let me say something.

3 MS. GARNICA: It's going on right now --

4 MR. O'BRIEN: Excuse me. Excuse me.
5 Those of you on the telephone, could you please be
6 quiet for just a moment. Chairman Keese and Mr.
7 Bouillon are going to speak about another hearing.

8 HEARING OFFICER BOUILLON: What I would
9 like to do is to continue this hearing until a
10 date certain, when we can cure the audio problems
11 and everyone can be heard and have a full
12 opportunity to be heard.

13 I don't believe that it would be very
14 profitable at this point for us to discuss either
15 the Staff comments or the Applicant's comments on
16 the Proposed Decision without the full
17 participation of the other party, Ms. Garnica, and
18 without the opportunity for public discussion on
19 those comments. And if we're having trouble
20 hearing people and they're having trouble hearing
21 us, I think it would be exclusionary to try to
22 discuss the comments that have been made.

23 And therefore, I propose to continue
24 this hearing, and at this point what I want to do
25 is take a five minute recess, just five minutes,

1 while we locate a calendar to determine when the
2 Committee is available and when the hearing room
3 is available. And --

4 MR. BOYD: I have two questions on that.
5 This is Mr. Boyd.

6 HEARING OFFICER BOUILLON: Yes.

7 MR. BOYD: One, if you -- if you do
8 continue this matter, could you possibly have the
9 agenda placed online on the Web site under this
10 siting case.

11 CHAIRMAN KEESE: Yes, we will.

12 MR. BOYD: And the other question is,
13 what effect, if any, will this have on the 30 day
14 comment period on the Presiding Member's Proposed
15 Decision?

16 HEARING OFFICER BOUILLON: None. It
17 will have no effect. That 30 days is running.

18 MR. BOYD: So, in effect, we still only
19 have until the 18th to provide our written
20 comments on the decision, and this most likely
21 then would take place following that date.

22 CHAIRMAN KEESE: We have no idea when
23 it'll take place. Right now we're going to try to
24 let you know in five minutes.

25 MR. BOYD: Well, I would just suggest if

1 you are going to allow for public comment after
2 that date, that you establish a deadline until the
3 date when that comment will be received.

4 CHAIRMAN KEESE: We're going to find out
5 in about five minutes.

6 (Off the record.)

7 MR. O'BRIEN: Is everybody still on the
8 phone?

9 CHAIRMAN KEESE: You're still on the
10 phone?

11 We are going to postpone this hearing
12 until 10:00 a.m., Friday, March 16th. March 16th
13 at 10:00 a.m. And --

14 MR. BOYD: Thank you very much.

15 CHAIRMAN KEESE: -- Mr. Boyd, we will
16 make sure that this is posted on our Web site,
17 also.

18 MR. BOYD: Okay, thank you.

19 CHAIRMAN KEESE: Now, all -- everybody
20 should be aware that the parties have filed in
21 this matter already, so you can use that to make
22 comments. And anybody who wishes to comment in
23 writing to us is also welcome to make those
24 comments.

25 MR. BOYD: Mr. Keese, is there -- those

1 -- the other parties' comments, the Applicant's
2 comments, going to be available online?

3 CHAIRMAN KEESE: We will make sure that
4 both Applicant and Staff's comments are available
5 online.

6 MR. BOYD: Say that again? I didn't
7 hear that.

8 CHAIRMAN KEESE: We have received
9 comments from the Applicant, and we have received
10 comments from the Staff.

11 MR. BOYD: And are they going to --

12 CHAIRMAN KEESE: We will make sure both
13 of those are online.

14 MR. BOYD: They're online. Okay. Thank
15 you.

16 CHAIRMAN KEESE: We will -- we will make
17 sure that they are online.

18 MR. BOYD: Okay, thank you.

19 CHAIRMAN KEESE: And then as usual, the
20 earlier you can get us the comments in writing,
21 the more that we can have a viable discussion on
22 the 16th.

23 MR. BOYD: Okay. Thank you.

24 And, Mr. Keese, I just wanted to let you
25 guys know, for your information, that the

1 Intervenor, Carmela, has retained Dr. Smallwood,
2 and he will be preparing comments. He's working
3 on them right now.

4 CHAIRMAN KEESE: That's -- that's fine.

5 Okay. Do any of the other participants
6 on the phone have any questions?

7 MS. BOND: Mr. Bouillon, I just want to
8 verify -- this is Linda Bond. You said Friday,
9 March 16th, that's one-six, at 10:00 a.m. Is that
10 correct?

11 CHAIRMAN KEESE: Correct. And I will --
12 I will ask the Public Adviser to contact each of
13 the individuals who were on the phone with us
14 today directly, and make sure that this -- that we
15 have very clearly communicated this.

16 MS. BOND: Thank you.

17 CHAIRMAN KEESE: Mr. Galati.

18 MR. GALATI: Yes, I have a question. In
19 the hearing order, parties were directed to file
20 their comments no later than 3:00 p.m. March 1st,
21 2001. I'm talking about parties to the case. Has
22 that been extended? We filed our comments, Staff
23 filed their comments by that time, and my
24 understanding is that the Intervenor has not.

25 I know that that order does not affect

1 other members of the public, such as Michael
2 Boyd's group or Bradley Angel's group, or the
3 other people on the phone. But I thought that
4 that was binding upon the parties. Is that
5 correct?

6 HEARING OFFICER BOUILLON: If Ms.
7 Garnica wishes to file some written comments,
8 we're going to consider them. And if she gets
9 them on file before the 16th, we will consider
10 them.

11 MR. GALATI: At that point --

12 HEARING OFFICER BOUILLON: The extent of
13 public participation is such that we will consider
14 whatever comments we receive right up until the
15 time the full Commission hears this case. How
16 much consideration they will receive depends on
17 how much time we have to consider them.

18 I had directed, through the Committee,
19 that all comments be filed by March the 1st so we
20 could be prepared for this hearing today. If --
21 since we're now going to the 16th, I would ask the
22 people to get -- anybody who wants to file any
23 written comments, that they do so as soon as
24 possible, so that we can give them our full
25 attention prior to the hearing, so that the

1 Committee itself will be prepared to discuss them
2 at the hearing on the 16th.

3 I think, as everybody -- everyone knows,
4 the California Energy Commission goes out of its
5 way to invite public discussion and public
6 comment, and we want a full airing of all the
7 issues, and we're not going to impose any
8 artificial deadlines on such things as comments on
9 something we have done, unless they're necessary
10 to reach a decision.

11 So you can disregard what the order said
12 about March the 1st with regard to written
13 comments. And, in fact, I encourage both the
14 Applicant and the Staff to go back through the
15 decision, and if you have additional comments,
16 please provide them to the Committee as soon as
17 possible.

18 CHAIRMAN KEESE: And I will assure you
19 that the -- the sound system -- this sound system,
20 which has worked on previous occasions, will be
21 tested and retested, and it will work the next
22 time.

23 (Note: Unidentified Speaker
24 makes a comment in Spanish.)

25 MR. GALATI: We would also ask and urge

1 the Committee have an interpreter available on the
2 16th, if -- if possible, through the Public
3 Adviser's office.

4 CHAIRMAN KEESE: That's a good idea.

5 MR. GALATI: Thank you.

6 HEARING OFFICER BOUILLON: We will look
7 into it. We do not guarantee it, and we encourage
8 those people who wish to participate, if they have
9 the capability to provide their own interpreter,
10 that they do so. But I've received an indication
11 that the Applicant may be able to help us in
12 providing an interpreter, if that's satisfactory
13 to the parties.

14 MR. GALATI: If the Commission cannot
15 provide an interpreter, the Applicant will be more
16 than happy to pay for an interpreter.

17 Carmela, are you okay with that?

18 MS. GARNICA: Yes. Oh, yes.

19 MR. GALATI: Okay. In that case, we
20 will just provide the interpreter.

21 CHAIRMAN KEESE: Thank you, appreciate
22 that.

23 Okay, we will close this hearing. Thank
24 you.

25 MR. GALATI: Thank you.

1 (Thereupon the hearing was concluded
2 at 12:10 p.m.)

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CERTIFICATE OF REPORTER

I, VALORIE PHILLIPS, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Committee Conference; that it was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said Conference, nor in any way interested in the outcome of said Conference.

IN WITNESS WHEREOF I have hereunto set my hand this 12th day of March, 2001.

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